

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

OCTOBER 18, 2010

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, October 18, 2010 at 7:00 p.m. The meeting was held in the Council Room of City Hall, 11 LaFayette Street. Notice of this meeting was sent to Council on October 14, 2010, posted at City Hall, and published in the Daily Press.

ROLL CALL

Present: Mayor Sally Geyer, Dennis Nero, Steven Skok, Daniel Hepner, Bob Roberts, Richard Gabler, Jr., Richard Dornisch, Manager David Greene, and Solicitor Mark Jacob.

VISITORS

Visitors included: Warren Stewart, Kathy Herzing, Norm Struble, Tina Gradizzi, John Copelli, Joe Goetz, Don Beimel, Ken Young, Wilson Fisher, and Vic Straub. Tom Lynch and Matthew Pfeufer did not sign in.

APPROVAL OF MINUTES
October 4, 2010

Bob Roberts made a motion to approve the minutes of October 4, 2010, seconded by Richard Dornisch, and all were in favor, except Steven Skok who abstained.

PUBLIC HEARING, re:
Ordinance No, 261 (Sign
Ordinance Revisions)

Mayor Geyer opened the public hearing at 7:01 p.m.

Matthew Pfeufer, City Zoning Officer, approached Council and stated the following implementation issues with the revisions:

Regulations for business signs- Max. cumulative requirement of 15% for flat wall and projecting signs regarding multi tenant buildings. Clarification of whether the 15% would be cumulative for the building or 15% per use within the building.

Councilman Nero and Solicitor Jacob confirmed it would be cumulative.

Flat wall business signs- Clarification of per building or per business and Solicitor Jacob confirmed it would be per building (premises).

Special event signs- Clarification of one sign per event, per business, per property, regardless of what the number of uses for the property and Solicitor Jacob confirmed it was one sign per event, per property.

MANAGER'S REPORT

Mayor Geyer closed the public hearing at 7:05 p.m.

September 22 - Attended a meeting of the West Creek Rails to Trails Association.

September 23 – Met with members of the Parking Authority to listen to requests from the Parking Authority about the new garage.

September 27 – Met with Ty Carter from Allegheny Power about relocating a power pole in the Depot Street parking lot.

September 30 - Attended a plant tour of Penn Pallet Inc. and their new Bio Mass System with Abbott Furnace using scrap wood from the pallet manufacturing process as fuel.

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October 7 - Carol Muhitch and I met with representatives from First Commonwealth Bank.

October 11 – Met with Gabe Uljon to follow up on the lease for ATA.

October 14- Attended the North Central Gas expo held at the former Wal-Mart here in St. Marys.

Councilman Nero asked what the meeting with First Commonwealth was regarding and Manager Greene responded First Commonwealth would like to be the City's repository for City funds and provide other employee benefits.

CITIZEN COMMENTS ON AGENDA TOPICS

There were no citizen comments on agenda topics.

APPROVAL OF EXPENDITURES

Steven Skok made a motion to approve the Expenditures from September 13, 2010 to October 10, 2010, seconded by Richard Gabler, Jr., and all were in favor.

TREASURER'S REPORT

Mayor Geyer presented the following Treasurer's Report as of September 30, 2010:

Revenues collected for the General Fund were at 80 percent of budget, up from last year of 75 percent and in 2008 revenues collected were at 88 percent. General Fund Expenditures were at 68 percent of budget and for last year was at 61 percent and 2008 was at 73 percent. Real Estate tax revenue was at 94.5 percent of budget and last year at this time was at 96 percent. Pension plans market values had increased since last year at this time.

LEGISLATIVE ACTION

Consider for Adoption: Ordinance No. 261, re: Amending various portions of City Code for the Sign Ordinance Revisions

Ordinance No. 261 was presented amending City Code, Chapter 27, Part 1, Section 112, Definitions; Chapter 27, Part 3, Section 315, Outdoor Signs; and Chapter 27, Attachments 1-1 through 2-3. (Sign Ordinance Revisions)

Motion

Bob Roberts made a motion to adopt Ordinance No. 261, seconded by Dennis Nero.

Mayor Geyer commented she thought the revisions were "overkill" and questioned who would enforce the revisions. Councilman Nero responded the Code Enforcement Officer would enforce the Ordinance.

Motion Passed

All were favor to adopt Ordinance No. 261, except Richard Dornisch and Mayor Geyer who opposed. The motion passed.

Ordinance No. 262, re: Increasing the City's Indebtedness one million dollars for road resurfacing and base repair.

Ordinance No. 262 was presented increasing the indebtedness of the City by issue of a general obligation note in the amount of \$1,000,000.00 for sundry purposes; fixing the form, number, date, interest, and maturity thereof; making a covenant for the payment of debt service on the note; providing for the filing of the required document; providing for the appointment of a sinking fund depository for the note; and authorizing execution, sale and delivery thereof; for road resurfacing and base repair for selected City streets.

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Motion Passed	Daniel Hepner made a motion to adopt Ordinance No. 262, seconded by Richard Gabler, Jr. and all were in favor.
Ordinance No. 263, re: Approving 2010 Guaranty Agreement between the City of St. Marys and the St. Marys Municipal Authority (Bond Refinance)	Ordinance No. 263 was presented approving and authorizing the execution and delivery of a 2010 Guaranty Agreement between the City of St. Marys and the St. Marys Municipal Authority in support and guarantee of the refunding series of 2010 Bonds of said Authority providing for the 2010 refunding program of the Authority, and authorizing the execution and filing of an approval request, debt statement, and self liquidating debt exclusion certificate, for said 2010 Guaranty Agreement with the Pennsylvania Department of Community and Economic Development not to exceed a maximum principle amount of \$6,970,000.00.
Motion	Dennis Nero made a motion to adopt Ordinance No. 263, seconded by Bob Roberts.
Discussion	<p>Vic Straub, Chairman of the Municipal Authority, approached Council and stated the City received an excellent credit rating from Standard and Poor's. He stated it was an ideal time in the Bond market to refinance and it would lead to substantial savings. At the last Council meeting, Council approved PNC Capital Markets to be the Authority's investment banker and they estimated savings of \$423,000.00. The Municipal Authority met earlier in the evening with Tom Lynch, Bond Counsel for the Authority. A required "Not To Exceed Bond Resolution" was passed by the Authority.</p> <p>Tom Lynch approached Council and restated the Authority passed a "Not To Exceed Bond Resolution" that replicates the City's Ordinance and he commended Council for acting so quickly.</p>
Motion Passed	All were in favor to approve Ordinance No. 263.
Consider for publication: Ordinance No. 264, re: Defining the geographic boundaries of City shade trees.	<p>Ordinance No. 264 was presented amending Chapter 1, Part 5, of City Code pertaining to the legally defined geographical boundaries of City shade trees.</p> <p>Kathy Herzing Chairperson of the Shade Tree Commission approached Council and explained the Commission wanted to clarify that a "City shade tree" was located between a City sidewalk and City curb. The current boundary description was stated "within the City's Right of Way".</p> <p>There was a lengthy discussion by Council, Solicitor Jacob and Mrs. Herzing, regarding the newly proposed boundaries and the existing criteria for planting, maintenance and removal of City shade trees.</p>
Motion	Richard Gabler, Jr. made a motion to publish Ordinance No. 264, seconded by Steven Skok.
Motion Denied	On a roll call vote there were four voting in the negative and three in the positive. Motion was denied.
2007 Home Program Housing Rehabilitation Contract #C000033524	Tina Gradizzi, Community and Economic Development Coordinator, requested Council's approval of a one year grant extension of the 2007 HOME Contract #C000033524.

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Bob Roberts made a motion to approve a one year grant extension for the 2007 HOME Contract #C000033524, seconded by Richard Dornish, and all were in favor.

ATA Ground Lease

Solicitor Jacob explained the ATA Ground Lease had been revised numerous times and this current revision was to provide a clearer understanding of the responsibilities for the City and the ATA.

Councilman Nero questioned why only the ATA could terminate the Lease.

Solicitor Jacob believed that it could easily be changed, but the ATA does fall under federal regulations.

Mayor Geyer wanted to be sure the details were "ironed out". Solicitor Jacob responded it was the best that could be done under the circumstances.

Manager Greene stated it was important to remember funds from the ATA would be used as a match for the six million in City funding.

Motion

Bob Roberts made a motion to accept the Ground Lease from ATA, seconded by Daniel Hepner.

Richard Dornisch stated the City should have the same right to terminate as the ATA.

Amended Motion

Bob Roberts amended his motion to include the City also have the option to terminate by written notice at least one year prior to the termination date, Daniel Hepner amended his second.

Bob Roberts was concerned if the ATA did not accept the added language.

Manager Greene clarified the option to terminate was only after 40 years.

Amended Motion Passed

All were in favor to approve the Ground Lease with ATA with the noted provisions.

Subdivision Applications:
C/G Electrodes, Speer Street

A subdivision application was presented for C/G Electrodes for property located on Speer Street. The subdivision proposes to divide a 7.84 acre lot on Speer Street from a 74.92 acre parcel for the purpose of potential gas drilling. The proposed residual lot is 67.08 acres. A portion of the subdivision lies within an identified floodplain district. No buildings are proposed at this time. The lot has access to public water and sewer. The lots and residuals comply with the Zoning Ordinance. The Planning Commission had no comments on the subdivision.

Wilson Fisher from Hess & Fisher Engineering and Norm Struble Chief Operator from C/G Electrodes approached Council and gave a brief description of two proposed subdivisions for C/G Electrodes.

Richard Gabler, Jr. made a motion to approve the C/G subdivision application for Speer Street, seconded by Daniel Hepner and all were in favor.

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C/G Electrodes, Theresia Street

A subdivision application was presented for C/G Electrodes for property located on Theresia Street. The subdivision proposes to divide a 10.18 acre lot on Theresia Street from a 26.78 acre parcel for the purpose of potential gas drilling. The proposed residual lot is 16.60 acres. No buildings are proposed at this time. The lot has access to public water and sewer. The lots and residuals comply with the Zoning Ordinance. A deed restriction has been added to the residual parcel to ensure that it continues to have access through the adjoining parcel to the south. The subdivision plan was revised from the original submission and the Planning Commission had two comments on the revised subdivision from their special meeting of October 12, 2010. The residual deed description lists the total acreage of the parcel in the deed incorrectly. The residual acreage is incorrect on the plat map under site data. Both of these inaccuracies were corrected on the maps presented for approval to City Council.

Motion Passed

Richard Gabler, Jr. made a motion to approve the C/G Electrodes subdivision application for Theresia Street, seconded by Richard Dornisch, and all were in favor.

Matthew and Kathleen Kaveney
Subdivision, Muenster and Anthony
Roads

A subdivision application was presented for Matthew and Kathleen Kaveney Subdivision for property located on Muenster and Anthony Roads. The subdivision proposes to divide a 3.5 acre Lot 3 from a 28.8 acre parcel. Lot 3 contains an existing family dwelling with an on-lot sewage disposal system and public water. The residual is proposed for a single family dwelling with an on-lot sewage disposal system. A DEP Component 1 Planning Module is included. The lots comply with the Zoning Ordinance. The entire tract was previously surveyed and approved March 19, 2007 as the Huggler/Scolari Estate. The Planning Commission had commented that there is no deed description for the residual parcel.

Motion Passed

Bob Roberts made a motion to approve the Kaveney Subdivision, seconded by Dennis Nero, and all were in favor.

John Cotter Subdivision, Wilson
Road

A subdivision was presented for John Cotter Subdivision for property located on Wilson Road. The subdivision proposed to divide 1.316 acre Lot 1 and 1.00 acre Lot 2 from a 5.7 acre parcel for the purposes of new single family dwellings. The residual parcel is 3.388 acres and contains an existing single family dwelling with a private sewage disposal and public water. Lots 1 and 2 are approved for private sewage disposal systems and public water supply. A Component 1 DEP Sewage Planning Module is attached. The building setbacks needed to be corrected on the map and only the recordation maps were changed. The Planning Commission had the following comments on the plan: In the deed description for Lot 1 Brandon Maholvich's last name is misspelled. On Page 6 of the deed descriptions, the acreage should be 3.388 acres, not 3.88 acres. On the plat itself, the intended grantee for Lot 1, the first name is misspelled.

Bob Roberts clarified the subdivision was for John Cotter and not Joseph as listed on the agenda.

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Motion Passed

Richard Dornisch made a motion to approve the John Cotter subdivision, seconded by Steven Skok, and all were in favor.

TOPICS FOR DISCUSSION
Straub Brothers Realty, re: Land
Development of Robin Road

Manager Greene explained a Land Development Application was received from Straub Brothers Realty for property located off Robin Road and was being presented to Council for their information only. The Land Development proposed construction of a 30' X 160' mini-warehouse and access road. It was approved by the Zoning Hearing Board on August 11, 2010. The Planning Commission had no comments on the development.

**CITIZEN COMMENTS
ON NON-AGENDA TOPICS**

There were no citizen comments on non-agenda topics.

COUNCIL COMMENTS

Councilman Dornisch commented he wanted to wish Solicitor Jacob a Happy Birthday.

Councilman Hepner thanked the City staff and Police Department for their support with the recent Expo.

Councilman Roberts requested an update on the paving project and Manager Greene responded, weather permitting, October 20th would be the starting date.

Mayor Geyer commented on Councilman Dornisch's seasonal tie that he was wearing.

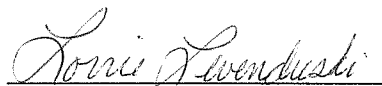
ANNOUNCEMENTS

Mayor Geyer made the following announcements:

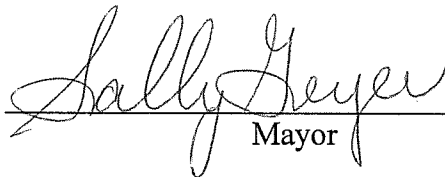
- The next Council worksession will be held Monday, November 1, 2010 at 7:00 p.m. at City Hall.
- Trick or Treat will be held on Sunday, October 31st from 6 p.m. until 9 p.m.
- Council budget meetings will be held on November 3rd, 4th, and 8th, 2010 at 7:00 p.m. at City Hall.

ADJOURNMENT

Steven Skok made a motion to adjourn the meeting.



Recording Secretary



Mayor